

**CALIFORNIA DEPARTMENT OF EDUCATION**

**SPECIAL EDUCATION DIVISION**

**CORRECTIVE ACTION PLAN**

**TO THE U.S. DEPARTMENT OF EDUCATION**

**OFFICE OF SPECIAL EDUCATION PROGRAMS**

**on**

**March 31, 2000**

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**Attachment: Third quarterly report documentation, Special Conditions on the State’s Part B Grant Award for Fiscal Year 1999-2000.**

March 30, 2000

Ruth Ryder, Director  
U.S. Department of Education  
Office of Special Education and Rehabilitative Services  
Division of Monitoring and State Improvement Planning  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-2500

Dear Ms. Ryder:

Enclosed you will find documentation supporting "California Department of Education's Corrective Action Plan for the Findings in the Office of Special Education Programs' 1996 and 1999 California Monitoring Reports." This documentation supports the corrective action plan read and agreed upon through collaborative efforts of both agencies in February 2000.

This documentation provides progress in demonstrating SEA level compliance with IDEA, Part B. Again, we look forward to our continued cooperative efforts now and in the months ahead.

Sincerely,

Dr. Alice D. Parker  
Assistant Superintendent  
Director, Special Education

AP:GK:p  
Enclosures

Cc: Delaine Eastin, State Superintendent of Public Instruction  
Leslie Fausset, Chief Deputy, Superintendent of Policy and Programs  
Henry Der, Deputy Superintendent, Educational Equity and Access Branch

**“CDE’s Corrective Action Plan for Findings in the Office of Special Education  
Programs’ 1996 and 1999 California Monitoring Reports”  
Report #3-Documentation  
March 31, 2000**

**Introduction**

As a State Education Agency (SEA), the California Department of Education (CDE) recognizes its responsibility to establish and maintain a system of statewide Local Education Agency (LEA) compliance so that the education rights of students with disabilities are protected while improving results for these children. Federal and state laws require CDE to monitor LEA activities in providing eligible students with a free appropriate public education (FAPE) in the least restrictive environment (LRE). These laws also call on CDE to enforce and monitor corrective action by LEAs that are not in compliance with IDEA '97 or fail to carry out their responsibilities.

In addition, CDE recognizes its general supervisory responsibility to implement and maintain effective complaint management procedures. This report provides continuing documentation, related to the Special Conditions cited in the Part B Grant Award for Fiscal Year 1999-2000 to California. (See Attachment: Special Conditions, Part B Grant)

CDE fulfills its responsibilities to supervise and monitor LEA compliance with IDEA '97 through the integration of the core components of the Quality Assurance Process (QAP). These components include the review and analysis of local plans, focused monitoring, coordinated compliance reviews, complaints management, and hearing decisions.

This report details the progress by CDE to achieve the required results, as specified in Sections A, B, C, and D of the February 25, 2000 Corrective Action Plan (CAP). As it discusses CDE activities related to each section of the CAP, this report provides documentation and evidence, including the attachments, to demonstrate CDE efforts to achieve the required results.

CDE will conduct and/or complete most of the required reviews of LEAs during the months of April and May. Therefore, this report provides initial information about six LEAs, out of the nine cited in Section A of the CAP, to highlight how CDE is implementing the QAP to ensure LEA correction and prevention of the recurrence of non-compliance. The six LEAs and type of LEA for review include:

- Sweetwater Union High School District (Verification review from the CCR pool)
- San Diego Unified School District (FedCAP district)
- Lynwood Unified School District (Verification review from the CCR pool)
- Antelope Valley Union High School District (Facilitated district)
- Fremont Unified School District (Verification review from the CCR pool)
- W. Contra Costa Unified School District (Collaborative district)

As it discusses each section of the CAP, this report provides (1) the current status of the reviews conducted to date, and (2) a detailed listing of the LEAs that will be the subject of upcoming verification process reviews and the review dates.

Additionally, this report provides information about all CDE enforcement/sanction activities undertaken during the last three months.

The report format is designed to reflect the February 25, 2000 CAP, with attachments to demonstrate CDE's continuous progress in fulfilling its required SEA responsibilities. These attachments constitute initial written documentation and evidence, as required by the CAP.

Attachments include:

- QAP: Local Plan
- QAP: Focused Monitoring
- QAP: Coordinated Compliance Review
- QAP: Complaints Management
- QAP: Hearing Decisions
- QAP: Verification Reviews
- QAP: Verification Review Process and Procedures (Draft)
- Procedural Safeguards Referral Service (PSRS) Customer Contact Data (not required)
- Third Quarterly Report, Special Conditions on the State's Part B Grant Award for Fiscal Year 1999-2000

Note: Draft attachments provided to OSEP were to demonstrate CDE's data collection on compliance and non-compliance. These attachments are not included on this web document.

#### **A. Overall Supervision and Monitoring System Identifies and Corrects Noncompliance**

**The February 25, 2000 CAP specifies:  
CDE will demonstrate that it:**

- A. 1.** Has integrated all components of the Quality Assurance Process (QAP) (including local plan review, focused monitoring, Coordinated Compliance Reviews, complaint management, data review and analysis, and hearing decisions and ensures that systemic noncompliance is consistently identified and corrected;
- A. 2.** Has, during the 1999-2000 school year, conducted at least 18 randomly selected verification reviews, and initiated at least 8 facilitated and 11 collaborative reviews; and
- A. 3.** Has consistently and effectively implemented a systematic process to determine whether districts have corrected and prevented the recurrence of noncompliance, including ensuring that children receive needed services.

Pursuant to these provisions of the February 25, CAP, the districts listed below are selected for documentation/verification to demonstrate CDE’s overall supervision and monitoring of LEA activities.

Information is also provided below showing the CDE review type as part of the QAP. District types include:

- ❖ **Facilitated Districts** selected (volunteer for 1999-2000) whose Key Performance Indicators indicate a very high need for improvement in student outcomes as well as continued commitment to compliance with IDEA;
- ❖ **Collaborative Districts** selected (volunteer for 1999-2000) that are similar to Facilitated Districts but demonstrate a less intense need for improvement in student outcomes; and
- ❖ **Verification Districts** (non-volunteer, randomly selected from the standard Coordinated Compliance Review “pool” of districts to be reviewed).

In addition, some of the districts are also **FedCAP Districts**, as identified in the 1992, 1996, and 1999 OSEP reports.

<b>District</b>	<b>QAP Review Type</b>
▪ Antelope Valley Union High School District	Facilitated
▪ Fremont Unified School District	Verification
▪ Garden Grove Unified School District	Verification
▪ Lynwood Unified School District	Verification
▪ Modesto City Elementary School District	Collaborative
▪ Norwalk-LaMirada Unified School District	Verification
▪ San Diego City Unified School District	Collaborative & FedCAP
▪ Sweetwater Union High School District	Verification
▪ West Contra Costa Unified School District	Collaborative

As mentioned previously, this report provides initial information for six of the nine LEAs: two LEAs each from southern, central and northern California:

#### **Southern California**

- Sweetwater Union High School District (Verification)
- San Diego Unified School District (Collaborative District & FedCAP District)

#### **Central California**

- Antelope Valley Unified School District (Facilitated District)
- Lynnwood Unified School District (Verification)

#### **Northern California**

- Fremont Unified School District (Verification)
- West Contra Costa Unified School District (Collaborative District)

## **CURRENT STATUS:**

Of the nine LEAs cited in Section A of the CAP the following reviews have occurred:

### **Verification Process Reviews:**

- **San Diego Unified School District** received a verification process review March 20-21, 2000. Partial verification review information is currently being inputted into CDE's database.
- **Antelope Valley Union High School District** received a verification process review March 22-24, 2000. Data is currently being inputted into CDE's database.

### **Pending Verification Process Reviews:**

CDE has scheduled verification process reviews for the remaining seven LEAs to be conducted in April through June, 2000. On or before June 30, 2000, CDE will have conducted verification process reviews for all LEAs cited in Section A, inputted data into the database, and analyzed the data to identify and correct any LEA noncompliance.

**NOTE:** Preliminary analyses of data obtained through the verification review process reveals that this process provides improved means for CDE to identify and correct noncompliance in LEAs.

**A. 1. CDE will demonstrate that it has integrated all components of the QAP and ensures that systemic noncompliance is consistently identified and corrected.**

**See QAP attachments listed below:**

- Local Plan
- Focused Monitoring
- Coordinated Compliance Review
- Complaint Management
- Hearing decisions; and
- Verification Reviews (1999-2000 schedule)
- Procedural Safeguards Referral Service (provided to OSEP, not required in the Corrective Action Plan)

**A. 2. CDE will demonstrate that it:**

**Has, during the 1999-2000 school year, conducted at least 18 randomly selected verification reviews, and initiated 8 facilitated and 11 collaborative reviews**

The LEAs receiving a verification process review including dates are listed below.

#### **❑ 18 Randomly Selected (from CDE CCR district pool)**

Poway Unified School District  
Escondido Union Elementary School District  
Alameda Unified School District

#### **Review Dates**

March 8-10, 2000  
March 15-17, 2000  
March 27-29, 2000

McKinleyville Union Elementary School District	March 28-29, 2000
Garden Grove Unified School District	March 29-30, 2000
Santa Cruz City High School District	March 30-31, 2000
Lynwood Unified School District	April 10-12, 2000
Alisal Union Elementary School District	April 11-12, 2000
Salinas City Elementary School District	April 13-14, 2000
Fremont Unified School District	April 17-18, 2000
Chula Vista Elementary School District	April 24-28, 2000
Sweetwater Union High School District	May 3-4, 2000
Norwalk LaMirada Unified School District	May 9-11, 2000
ABC Unified School District	May 16-18, 2000
Lowell Joint Elementary School District	May 17-18, 2000
San Juan Unified School District	May 22-24, 2000
Encinitas Union Elementary School District	May 22-24, 2000
Pajaro Valley Joint Elementary School District	May 30-31, 2000

❑ **8 Facilitated Reviews**

Antelope Valley Union High School District	March 22-24, 2000
Hayward Unified School District	March 28-30, 2000
Palo Verde Unified School District	April 4-5, 2000
Centinella Valley Unified School District	April 5-6, 2000
Greenfield Union Elementary School District	April 6-7, 2000
Alum Rock Elementary	April 10-11, 2000
Pittsburg Unified School District	May 1-3, 2000
Brawley Union High School District	June 8-9, 2000

❑ **11 Collaborative Reviews**

West Contra Costa Unified School District	March 8,13,23, 2000
San Diego Unified School District	March 20-21, 2000
North Sacramento Elementary School District	March 27, 2000
Mendota Unified School District	March 30-31, 2000
San Francisco Unified School District	April 5-7, 2000
Los Angeles Unified School District (Hamilton/Palisades)	April 6-7, 2000
William S. Hart Union High School District	April 18-19, 2000
Redlands Unified School District	April 20-21, 2000
Perris Union High School District	May 16-17, 2000
Modesto City Elementary School District	May 23-25, 2000
San Ysidro Elementary School District	June 26-28, 2000

**CURRENT STATUS:**

As of this report, thirteen (13) of the above-mentioned LEAs have received a verification review. Data has been collected and is currently being inputted into CDE's database.

**A. 3. The California Department of Education will demonstrate that it has**



**consistently and effectively implemented a systematic process to determine whether districts have corrected and prevented the reoccurrence of noncompliance and ensuring that children receive needed services**

The LEAs selected for documentation/evidence in the February 25, 2000 CAP include:

- Antelope Valley Union High School District (Facilitated District)
- Fremont Unified School District (Verification)
- Garden Grove Unified School District (Verification)
- Lynwood Unified School District (Verification)
- Modesto City Elementary School District (Collaborative District)
- Norwalk-LaMirada Unified School District (Verification)
- San Diego City Unified School District (Collaborative District & FedCAP District)
- Sweetwater Union High School District (Verification)
- West Contra Costa Unified School District (Collaborative District)

CDE provides documentation regarding its efforts to identify and correct noncompliance through the provision of:

- a. A detailed summary of the finding(s) made through the Quality Assurance Process and the date of the finding(s);
- b. The required corrective actions, including specific activities and timelines;
- c. A detailed summary of any and all prior finding(s) of noncompliance with the same requirements in that public agency;
- d. The current status of the corrective action(s) and of compliance, including whether children are receiving needed services and any evidence from parents that corrective action has occurred; and
- e. The specific additional actions that CDE has taken or will take, including, but not limited to, follow-up data collection, technical assistance, and sanctions, to secure compliance/correction, and the date on which CDE took or by which CDE will take each such action.

### **CURRENT STATUS:**

CDE has developed and is implementing a verification process that addresses:

- ◆ Verification of student level data submitted to CDE;
- ◆ Compliance with IDEA;
- ◆ Areas of compliance that have been problematic and/or difficult to implement by LEAs based on prior noncompliance history;
- ◆ Areas identified by the findings of the Office of Special Education Programs (OSEP) California Monitoring Reports of California for 1992, 1996 and 1999.

The verification process design strengthens CDE's required supervision and monitoring system by targeting the above areas in a systematic quantifiable manner as part of the overall **Quality Assurance Process**. The verification review process provides CDE detailed data that increases CDE's ability to identify and correct all noncompliance in

LEAs that was not previously available in such detail through the Coordinated Compliance Review reporting system.

The Verification Process Procedural Manual (which continues to be refined) is submitted as an attachment in this report to demonstrate CDE's progress in documenting whether LEAs have corrected and prevented the reoccurrence of noncompliance and students receive needed services. The design of the data collection specifically addresses requirements in a-e in Section A of the CAP. The degree of specificity documented will greatly increase CDE's effectiveness in reviewing, analyzing, and correcting all identified LEA non-compliance.

Once data from verification process reviews are completed, inputted, and analyzed, CDE will provide appropriate documentation/evidence, as required in a-e of Section A of the CAP.

As information is available, CDE will provide documentation of specific hearing orders, including mediation agreements, that delineate compensatory services to eligible students and/or reimbursement by the appropriate LEA. This information reflects CDE enforcement actions conducted through the due process system.

<p><b>B. CDE Monitoring and Supervision of FedCAP Districts Found Noncompliant by OSEP Monitoring Reports in 1996 and 1999</b></p>
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**B. CDE will demonstrate that noncompliance in all FedCAP districts is corrected.**

The **FedCAP** districts include:

- Alvord Unified School District
- Antioch Unified School District
- California Youth Authority (Ventura School)
- Capistrano Unified School District
- Enterprise Elementary School District
- Fairfield-Suisun Unified School District
- Holtville Unified School District
- Long Beach Unified School District
- Los Angeles County Schools (Court Schools)
- Los Angeles Unified School District
- Mt. Diablo Unified School District
- Saddleback Valley Unified School District
- San Diego Unified School District
- San Francisco Unified School District
- San Pasqual Unified School District

**B. 1. CDE will demonstrate that it has ensured that the Fed CAP districts are in compliance in the areas described in OSEP's 1996 and 1999 California Monitoring**

**Reports and can provide data that show positive impact on services to children with disabilities (like the district-specific data that CDE submitted in response to the 1996 Corrective Action Plan):**

These areas include:

- Current Individualized Education Programs (IEPs)
- Transition
- Related Services
- FAPE: Students suspended/expelled
- Least Restrictive Environment; and
- Reevaluations

**B. 2. CDE will demonstrate that it has used the Quality Assurance Process, as necessary, to ensure systemic compliance (including a verification review for each of the FedCAP districts).**

**B. 3. CDE will demonstrate that it takes enforcement action to ensure compliance when other actions have not ensured compliance**

For each LEA, CDE will provide the following:

- a. The specific areas of continuing noncompliance, including, for each, specific data regarding the number of children not receiving services to which they are entitled under Part B as reported by the LEA (district) and validated by CDE;
- b. The required corrective actions, including specific activities and timelines;
- c. The current status of those corrective actions and of compliance, including whether children are receiving needed services and any evidence from parents that corrective action has occurred; and
- d. The specific additional actions that CDE has taken or will take, including but not limited to follow-up data collection, technical assistance, and sanctions to secure compliance/correction, and the date on which CDE took or by which CDE will take each such action.

Pursuant to the February 25, 2000 CAP, documentation and evidence for a-d above will be provided to OSEP in the June 2000 report for the following districts:

- Fairfield-Suisun Unified School District
- Mt. Diablo Unified School District
- Holtville Unified School District
- Los Angeles Unified School District
- San Francisco Unified School District
- Saddleback Unified School District

**CDE assures that it will have completed a verification process review of all FedCAP districts by June 30 and review findings will be included in the June 30 report .**

<b>FedCAP District</b>	<b>Review Date</b>
San Diego Unified School District	March 20-21, 2000
Antioch Unified School District	March 28-29, 2000
Mt. Diablo Unified School District	March 30-31, 2000
Los Angeles Unified School District	April 6-7, 2000
San Francisco Unified School District	April 5-7, 2000
Enterprise Elementary School District	April 11-12, 2000
Holtville Unified School District	April 17-18, 2000
California Youth Authority (Ventura School)	April 17-18, 2000
San Pasqual Unified School District	April 19-20, 2000
Los Angeles County Court Schools	April 25-27, 2000
Fairfield-Suisun Unified School District	April 27-28, 2000
Long Beach Unified School District	May 1-3, 2000
Alvord Unified School District	May 24-25, 2000
Saddleback Valley Unified School District	May 25-26, 2000
Capistrano Unified School District	June 5-7, 2000

### **CURRENT STATUS:**

As of this report date, three (3) **Fed CAP** districts have been reviewed:

- **San Diego City Unified School District** – reviewed March 20-21, 2000. Partial data collected and currently being inputted into CDE’s database. CDE team is gathering additional verification review process data.
- **Mt. Diablo Unified School District**-Reviewed March 30-31, 2000. Data not yet inputted or analyzed.
- **Antioch Unified School District**- Reviewed March 28-29, 2000. Data not yet inputted or analyzed.

As stated above, the remaining twelve (12) **FedCAP** districts are scheduled for verification reviews in April through June, 2000. All required data will be provided for all the FedCAP districts in the June 30, 2000 report..

<p style="text-align: center;"><b>C. Noncompliance in Public Agencies with Long-standing Systemic Noncompliance</b></p>
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**C.1. CDE will demonstrate that it has ensured that the public agencies with long-standing systemic noncompliance are in compliance in the areas described in OSEP’s 1996 and 1999 California Monitoring Reports and can provide data that shows positive impact on services to children with disabilities (like the district-specific data that CDE submitted in response to the 1996 Corrective Action Plan).**

These areas include:

- Current Individualized Education Programs (IEPs)
- Transition
- Related Services
- FAPE: Students suspended/expelled
- Least Restrictive Environment; and
- Reevaluations

**C.2. CDE will demonstrate that it has used the Quality Assurance Process, as necessary, to ensure systemic compliance.**

**C.3. CDE will demonstrate that it takes enforcement action to ensure compliance when other actions have not ensured compliance.**

For each public agency, CDE will provide the following:

- a. The specific areas of continuing noncompliance, including, for each, specific data regarding the number of children not receiving services to which they are entitled under Part B as reported by the LEA (district) and validated by CDE;
- b. The required corrective actions, including specific activities and timelines;
- c. The current status of those corrective actions and of compliance, including whether children are receiving needed services and any evidence from parents that corrective action has occurred; and
- d. The specific additional actions that CDE has taken or will take, including but not limited to follow-up data collection, technical assistance, and sanctions to secure compliance/correction, and the date on which CDE took or by which CDE will take each such action.

Pursuant to the February 25, 2000 CAP, CDE will provide data (a-d) for the following districts:

- Oakland Unified School District
- Sacramento City Unified School District
- Compton Unified School District
- Santa Barbara City Elementary School District

**CURRENT STATUS:**

Below is the verification review schedule for the 4 LEAs. Because these reviews have not been completed or commenced as of this report, no data is available at this time.

**District**

- Santa Barbara City Elementary School District
- Oakland Unified School District
- Sacramento City Unified School District
- Compton Unified School District

**Review Date**

April 12-14, 2000  
April 20-21, 2000  
March 23 & April 12, 2000  
May 30-June 1, 2000

On or before June 30, 2000, CDE will provide the required documentation/evidence for these districts, including information required in C1, C2, and C3.

**D. CDE will Take Effective Enforcement Actions to Ensure Compliance when Other Actions Have not Ensured Compliance**

**D. CDE will provide a description of each enforcement action (including any of the sanction options listed on page 52 of CDE's December 21, 1999 submission to OSERS) that CDE has taken, since June 1, 1998, in any public agency in the State, including:**

- a. A specific description of the action taken;
- b. The date of the action; and
- c. The impact of the action, including, but not limited to, the status of any further corrective actions agreed to or required and the status of compliance.

**CURRENT STATUS:**

Specifically, CDE provides information to OSEP regarding enforcement/sanction actions taken by CDE for various LEAs from January 27, 2000-March 17, 2000. The data provided includes compliance complaint #, date of CDE final report sent to the LEA, and the required enforcement/sanction (compensatory education, reimbursement, Brulte hearing data, civil action, fiscal withholding, offer of technical assistance).

**CDE enforcement/sanction actions for this report include the following districts:**

- Los Angeles Unified School District
- Santa Clara County Schools
- Long Beach Unified School District
- Mt. Diablo Unified School District
- Alameda Unified School District
- Santa Monica-Malibu Unified School District
- Scotts Valley Unified School District
- Santa Cruz City High School District
- Beverly Hills Unified School District
- Acton-Agua Dulce Unified School District
- Petaluma Unified School District
- Long Beach Unified School District

- Sacramento City Unified School District
- Sweetwater Union High School District & San Diego County Office of Education
- Carlsbad Unified School District (2)
- Moreno Valley Unified School District
- Vista Unified School District